

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
Plaintiff )  
v. ) CRIMINAL INDICTMENTS  
ROMAN ZHIRNOV, ) NO. NO. 02-30043-MAP  
Defendant )

**DEFENDANT'S MOTION FOR SUPPRESSION OF UNLAWFUL  
SEARCH AND SEIZURE OF DEFENDANT'S AUTOMOBILE**

Now comes the Defendant, Roman Zhirnov, by and through his attorney, and in regard to the above referenced indictments, hereby moves to suppress the unlawful search and seizure of his motor vehicle by the West Springfield Police Department on October 26, 2002 at and after the time it was being operated by the Defendant, Alexei Safanov.

The evidence sought to be suppressed would be any items of property seized by the authorities which are the subject of the above referenced indictments and which are sought to be introduced by the Government in this action.

The Defendant also moves to suppress all fruits of the unlawful stop, including but not limited to an AK-47 and all observations of the police or authorities at or after the stop.

In support of this motion, the Defendant states that the government is not able to establish the necessary prerequisites for this stop, including necessary probable cause for the stop, arrest, observations or search. Therefore, the stop of the Defendant's motor vehicle on October 26, 2004, during the time it was operated by the Defendant, Alexei Safanov, violates the principles of Wong Sun v. United States, 371 U.S. 471, 487-88

(1963) and is in violation of the Fourth and Fourteenth Amendments of the Constitution of the United States. Therefore the unlawful search and the seizure of items and the fruits should be suppressed.

Wherefore, Defendant requests that this Motion be granted.

THE DEFENDANT,  
BY HIS ATTORNEY,

A handwritten signature in black ink, appearing to read 'Charles J. Sclafani, Jr.', written over a horizontal line.

Charles J. Sclafani, Jr.  
BBO# 550411

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